UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,886	11/12/2003	Erol Bozak	09700.0035-00	2311

60668 7590 11/20/2007		**EXAMINER**
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WASHINGTON, DC 20001-4413		

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
11/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 September 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-13* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is the final action based on applicant's response filed on 9/20/07 with respect to 10/712, 866 application filed on 11/12/2003. Claims 1-13 are currently pending and being considered below. Claims 1, 4, and 5 are independent claims.

Applicant's Response

In the applicant's response dated 9/20/07, the applicant the amended claims 1-5 and added claims 9-13 and argued all the rejections.

Currently, claims 1-3 are pending and are subject to examination.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 and 9-13

Claims 1-4 and 9-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim fails to place the invention within one statutory class of invention. On page 14, lines 16-20 of the instant specification, applicant has provided evidence that applicant intends the "medium" to use signals. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and this is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating

obviousness or nonobviousness.

4.   Claims 1-3 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Besaw et al (US 5276789; Patent Issue Date: May 14, 1994; hereafter Besaw) in

view of Vaid (US 6502131; Patent Issue Date: Dec 31, 2002; hereafter Vaid).

Claim 1:

Besaw discloses **a graph with edges and vertices, the vertices representing nodes**

in a computer network, each of the nodes comprising a network manager; (Fig 2

→ Besaw discloses a system with nodes that are connected to each other in a network

environment. The examiner notes that it well known in the art for network nodes to

represent computers, applications, other networks, and network managers.)

wherein each of the edges represents an association between two of the network

managers. (Fig 2 → Besaw discloses a system with nodes that are connected to each

other in a network environment. The examiner notes that it well known in the art for
network nodes to represent computers, applications, other networks, and network
managers.)

Besaw does not appear to explicitly disclose nodes representing **grid nodes** and
networks as **grid networks**, and network managers as **grid managers**.

Vaid discloses nodes representing grid nodes **and networks as** grid networks, **and
network managers as** grid managers. (Fig 9 → Vaid discloses a distributed system
with "grid nodes, grid networks, and grid managers" in that it monitors services, servers,
and clients. The examiner notes that it well known in the art for network nodes to
represent computers, applications, other networks, and network managers. The
examiner also notes that grid networks and managers are functionally equivalent to a
distributed system networks and managers.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of
network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the
art, having the teachings of Besaw and Vaid before him or her, to incorporate a network
management system consisting of movable and adjustable nodes, as disclosed by
Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing
networks to be manipulated and managed by graphical nodes.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the
invention as specified in the instant claim.

Claim 2:

Besaw and Vaid disclose the limitations claim1.

Besaw discloses the network **association as peer-to-peer.** (Fig 4 → Besaw discloses "association as peer-to-peer" in that a star system of computers are connected to a hub without a central server.)

Claim 3:

Besaw and Vaid discloses the limitations claim1.

Besaw discloses that **the association is hierarchical.** (Fig 6 and 7 → Besaw discloses a network topology system with hierarchy.)

Claim 5:

Besaw discloses **receiving a request to visualize a computer network with a first node representing a first network manager from a set of linked nodes, the linked nodes representing computers running network managers and vectors representing relations between pairs of network managers;** (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Vaid discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers,

and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers.)

Besaw discloses **displaying the first node representing the first network manager;** (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**.

Vaid discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers.)

Besaw **discloses having an inferior relation to the first node.** (Fig 6 and 7 → Besaw discloses a network topology system with hierarchy. The examiner notes that it is well known in the art that hierarchy systems have superior and inferior relations.)

Besaw does not appear to explicitly disclose **sending a first query to the first grid manager requesting a first list of grid managers.**

Vaid discloses **sending a first query to the first grid manager requesting a first list of grid managers.** (Col 22, lines 5-8 → Vaid discloses "queries" in that the system periodically updates the display of services and servers.)

Besaw does not appear to explicitly disclose **receiving a response from the first grid manager to the first query.**

Vaid discloses **receiving a response from the first grid manager to the first query.** (Col 22, lines 5-8 → Vaid discloses "queries" in that the system periodically updates the display of services and servers.)

Besaw discloses **displaying nodes corresponding to the network managers in the first list and drawing vectors from the first network manager to the network managers.** (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers.** and **the first list of grid managers.**

Vaid discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers**. and **the first list of grid managers.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers.)

Besaw does not appear to explicitly disclose **sending a second query to the first grid manager requesting a second list of grid managers having a superior relation to the first grid manager.**

Vaid discloses **sending a second query to the first grid manager requesting a second list of grid managers having a superior relation to the first grid manager.** (Col 22, lines 5-8 → Vaid discloses "queries" in that the system periodically updates the display of services and servers. Fig 1 → Vaid discloses "superior and inferior relations" in that network shows a hierarchy.)

Besaw does not appear to explicitly disclose **receiving a response from the first ,grid manager to the second query.**

Vaid discloses **receiving a response from the first , grid manager to the second query.** (Col 22, lines 5-8 → Vaid discloses "receiving a response for query" in that the system periodically updates the display of services and servers.)

Besaw discloses **displaying nodes and drawing vectors.** (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The

examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Vaid discloses displaying nodes **corresponding to the grid managers in the second list** and drawing vectors **from the first grid managers in the second list to the first grid manager.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers. Fig 9 shows a list of systems, servers, and clients.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of being connected to networks.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Vaid before him or her, to incorporate a network management system consisting of movable and adjustable nodes, as disclosed by Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing networks to be manipulated and managed by graphical nodes.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the invention as specified in the instant claim.

Claim 6:
Claim 6 corresponds to claim 5.

The examiner notes that sending multiple and successive (first, second, third, etc) inquiries to and from servers and clients are well known in the art.

Claim 7:

Besaw and Vaid disclose the limitations of claim 6.

Besaw does not appear to explicitly disclose **recursively repeating the steps of sending and displaying for each of the grid managers in the third list.**

Vaid discloses **recursively repeating the steps of sending and displaying for each of the grid managers in the third list.** (Col 22, lines 5-8 → Vaid discloses "recursively repeating the steps of sending and displaying" in that the system periodically updates the display of services and servers. Fig 9 shows a list of systems, servers, and clients.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Vaid before him or her, to incorporate a network management system consisting of movable and adjustable nodes, as disclosed by Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing networks to be manipulated and managed by graphical nodes as well being monitored and updated.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the invention as specified in the instant claim.

Claim 8:

Claim 8 corresponds to claim 5.

Claim 9:

Besaw and Vaid disclose the limitations of claim 1.

Besaw discloses **vertices connected to the corresponding node** where each node is assigned a network address. (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers** and **display applications currently running.**

Vaid discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers** and **display a network address.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Vaid before him or her, to incorporate a network

management system consisting of movable and adjustable nodes, as disclosed by
Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing
networks to be manipulated and managed by graphical nodes. It would also allow an
user to simultaneously view the property of the node while manipulating it.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the
invention as specified in the instant claim.

Claim 10:

Besaw and Vaid disclose the limitations of claim 1.

Besaw discloses **vertices connected to the corresponding node** where each node is
assigned a network address. (Fig 2 → Besaw discloses a system with nodes that are
connected to each other in a network environment. The examiner notes that it well
known in the art for network nodes to represent computers, applications, other
networks, and network managers.)

Besaw does not appear to explicitly disclose using nodes representing **grid nodes** and
networks as **grid networks**, and network managers as **grid managers** and **display
applications currently running.**

Vaid discloses using nodes representing **grid nodes** and networks as **grid networks**,
and network managers as **grid managers** and **display applications currently
running.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks,
and grid managers" in that it monitors services, servers, and clients. The examiner
notes that it well known in the art for network nodes to represent computers,
applications, other networks, and network managers. The examiner also notes that grid

networks and managers are functionally equivalent to a distributed system networks and managers.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Vaid before him or her, to incorporate a network management system consisting of movable and adjustable nodes, as disclosed by Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing networks to be manipulated and managed by graphical nodes. It would also allow an user to simultaneously view the property of the node while manipulating it.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the invention as specified in the instant claim.

Claim 11:

Besaw and Vaid disclose the limitations of claim 1.

Besaw discloses in response to **user input identifying one of the grid nodes,** (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.).

Besaw does not appear to explicitly disclose using nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers** and **displaying a manager.**

Vaid discloses using nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers** and **displaying a manager running.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers. Fig 9 shows a list of systems, servers, and clients.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Vaid before him or her, to incorporate a network management system consisting of movable and adjustable nodes, as disclosed by Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing networks to be manipulated and managed by graphical nodes. It would also allow an user to simultaneously view the property of the node while manipulating it.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the invention as specified in the instant claim.

Claim 12:
Besaw and Vaid disclose the limitations of claim 1.

Besaw discloses in response to **user input identifying one of the grid nodes,** (Fig 2
→ Besaw discloses a system with nodes that are connected to each other in a network
environment. The examiner notes that it well known in the art for network nodes to
represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose using nodes representing **grid nodes** and
networks as **grid networks**, and network managers as **grid managers** and **displaying
a manager running.**

Vaid discloses using nodes representing **grid nodes** and networks as **grid networks,**
and network managers as **grid managers** and **displaying applications running.** (Fig
9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid
managers" in that it monitors services, servers, and clients. The examiner notes that it
well known in the art for network nodes to represent computers, applications, other
networks, and network managers. The examiner also notes that grid networks and
managers are functionally equivalent to a distributed system networks and managers.
Fig 9 shows a list of systems, servers, and clients.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of
network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the
art, having the teachings of Besaw and Vaid before him or her, to incorporate a network
management system consisting of movable and adjustable nodes, as disclosed by
Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing networks to be manipulated and managed by graphical nodes. It would also allow an user to simultaneously view the property of the node while manipulating it.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the invention as specified in the instant claim.

Claim 13:

Besaw and Vaid disclose the limitations of claim 1.

Besaw discloses in response to **user input identifying one of the nodes** and a **display representing a relationship between a network manager running on the identified node and a network manager running on another one of the nodes.** (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose using nodes representing **grid nodes** and networks as **grid networks,** and network managers as **grid managers.**

Vaid discloses using nodes representing **grid nodes** and networks as **grid networks,** and network managers as **grid managers.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a

distributed system networks and managers. Fig 9 shows a list of systems, servers, and clients.)

Besaw and Vaid are analogous art because they are from the same field of endeavor of network connections.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Vaid before him or her, to incorporate a network management system consisting of movable and adjustable nodes, as disclosed by Besaw, with a network system monitor and manager, as disclosed by Vaid.

The motivation for doing so would have been to allow users to parallel processing networks to be manipulated and managed by graphical nodes. It would also allow an user to simultaneously view the property of the node while manipulating it.

Therefore, it would have been obvious to combine Vaid with Besaw to obtain the invention as specified in the instant claim.

5. .   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Besaw et al (US 5276789; Patent Issue Date: May 14, 1994; hereafter Besaw) in view of Vaid (US 6502131; Patent Issue Date: Dec 31, 2002; hereafter Vaid) in further view of Microsoft Excel 2000 ("Special Edition using Microsoft Excel 2000"; Copyright 1999; hereafter Excel).

Claim 4:

Besaw discloses a graph with vectors and nodes for visualizing a computer grid, the nodes representing computers running grid managers and the vectors representing relations between pairs of network managers, (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes

that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers** and **comprising a superior grid manager and an inferior grid manager,**

Vaid discloses nodes representing **grid nodes** and networks as **grid networks**, and network managers as **grid managers** and **comprising a superior grid manager and an inferior grid manager.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers.)

Besaw discloses **computers, servers, and applications represented and running on a node.** (Fig 2 → Besaw discloses a system with nodes that are connected to each other in a network environment. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers.)

Besaw does not appear to explicitly disclose **computer grid applications running on a computer.**

Vaid discloses displaying **computer grid applications running on a computer.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other

networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers.)

Neither Besaw nor Vaid appear to explicitly disclose an **expandable structure.** Excel discloses an **expandable structure.** (pg 67-68 → Microsoft discloses "an expandable structure" in that the labels can be shrunk or expanded.)

Besaw does not appear to explicitly disclose **receiving, with an event handler, a request to view management services running on each of the computers; generating a display showing the management services running on each of the computers.**

Vaid discloses **receiving, with an event handler, a request to view management services running on each of the computers; generating a display showing the management services running on each of the computers.** (Fig 9 → Vaid discloses a distributed system with "grid nodes, grid networks, and grid managers" in that it monitors services, servers, and clients. The examiner notes that it well known in the art for network nodes to represent computers, applications, other networks, and network managers. The examiner also notes that grid networks and managers are functionally equivalent to a distributed system networks and managers.)

Besaw, Vaid, and Excel are analogous art because they are from the same field of endeavor of graphical user interface.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Vaid before him or her, to incorporate a network management system consisting of movable and adjustable nodes, as disclosed by

Besaw, with a network system monitor and manager, as disclosed by Vaid, and with size adjustable labels, as disclosed by Excel.

The motivation for doing so would have been to allow users to parallel processing networks to be manipulated and managed by graphical nodes, and hide the sections and titles of the nodes.

Therefore, it would have been obvious to combine Vaid and Excel with Besaw to obtain the invention as specified in the instant claim.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. .

6.   Claim 1 of application 10/712,886 (hereafter '886) is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/706,377 (hereafter '377).

Claim 1:

A graph with edges and vertices, the vertices representing grid nodes in a grid network, each of the grid nodes comprising a grid manager; wherein each of the edges represents an association between two of the grid managers. (Claim 1 of '377 teaches *a structure with columns and rows, each OT the rows representing services in a grid computing network, the services storing lists of hierarchically inferior services, the rows structured hierarchically with respect to an application where a service belongs, a type of service, and concrete service instances.*)

7.   Claim 3 of application 10/712,886 (hereafter '886) is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/706,377 (hereafter '377).

Claim 3:

The computer-readable medium of claim 1 in which the association is hierarchical. (claim 1 of '377 teaches *the rows structured hierarchically with respect to an application where a service belongs.*)

8.   Claim 5 of application 10/712,886 (hereafter '886) is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 7of copending Application No. 10/706,377 (hereafter '377).

Claim 5:

A method comprising: receiving a request to visualize a grid network with a first node representing a first grid manager from a set of linked nodes, the linked nodes representing computers running grid managers and vectors representing relations between pairs of grid managers; (Claim 7 of '377 teaches *receiving a request to view a sub grid network of a grid network, the sub grid network representing a root node and nodes hierarchically inferior to the root node, the nodes representing grid managers managing one or more services running on computers in the grid network.*)

displaying the first node representing the first grid manager; (Claim 7 of '377 teaches *receiving a request to view a sub grid network of a grid network, the sub grid network representing a root node and nodes hierarchically inferior to the root node, the nodes representing grid managers managing one or more services running on computers in the grid network.*)

sending a first query to the first grid manager requesting a first list of grid managers having an inferior relation to the first node; (Claim 7 of '377 teaches *querying a grid manager representing the root node for its status and addresses of nodes hierarchically inferior to the root node, the grid manager representing the root node storing a list of hierarchically inferior grid managers representing the nodes hierarchically inferior to the root node.*)

receiving a response from the first grid manager to the first query; (Claim 7 of '377 teaches *querying the hierarchically inferior grid managers for a current status.*)

displaying nodes corresponding to the grid managers in the first list and drawing vectors from the first grid manager to the grid managers in the first list of grid managers; (Claim 7 of '377 teaches *displaying a state of the root grid manager and the hierarchically inferior grid managers and, for each grid manager, a computer system running the grid manager.*)

sending a second query to the first grid manager requesting a second list of grid managers having a superior relation to the first grid manager; (Claim 7 of '377 teaches *querying a grid manager representing the root node for its status and addresses of nodes hierarchically inferior to the root node, the grid manager representing the root node storing a list of hierarchically inferior grid managers representing the nodes hierarchically inferior to the root node.*)

receiving a response from the first grid manager to the second query; (Claim 7 of '377 teaches *displaying a state of the root grid manager and the hierarchically inferior grid managers and, for each grid manager, a computer system running the grid manager.*)

and displaying nodes corresponding to the grid managers in the second list and drawing vectors from the first grid managers in the second list to the first grid manager. (Claim 7 of '377 teaches *displaying a state of the root grid manager and the hierarchically inferior grid managers and, for each grid manager, a computer system running the grid manager.*)

Response to Arguments

I. Rejection of Claims 1-4 Under 35 USC ~ 101

7.   Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

II. Rejection of Claims 1-2 Under 35 USC ~ 102 (b)

8.   Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

III. Rejection of Claims 3 and 5-7 Under 35 USC ~ 103 (a)

9.   Applicant's arguments with respect to claims 3 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

IV. Rejection of Claim 4 Under 35 USC ~ 103 (a)

10.   Applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection.

V. Rejection of Claim 8 Under 35 USC ~ 103 (a)

11.   Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

VI. Rejection of Claims 1, 3, and 5 for Non-Statutory Double Patenting

12.   Applicant's arguments filed with respect to claims 1, 3, and 5 have been fully considered but they are not persuasive. The applicant states that claims 1, 3, and 5

have been amended to overcome non-statutory double patenting with respect to application 10/706,377.

The examiner disagrees.

The amendments to claims 1, 3, and 5 have not overcome non-statutory double patenting rejection. The language used in claims 1, 3, and 5 of application 10/712,886 are synonymous with the language used in the corresponding claims for application 10/706,377.

Conclusion

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soumya Dasgupta whose telephone number is 571-272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

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